



WYOMING LEGISLATIVE SERVICE OFFICE

Memorandum

DATE April 24, 2023

TO Members, Joint Education Interim Committee

FROM TaLise Hansen, Staff Attorney

SUBJECT Topic Summary: Wyoming's Reading Assessment and Intervention Program and Other States' K-3 Literacy Programs

INTRODUCTION

The Joint Education Interim Committee's (Committee) topics include review of Wyoming's reading assessment and intervention program and other similar kindergarten through third grade literacy programs implemented in other states under Priority #2, Early Childhood Programs and Literacy. This topic summary provides an overview of Wyoming's reading assessment and intervention program and provides background information on two other states' K-3 literacy programs: Alaska Reads Act and Mississippi Literacy Based Promotion Act.

WYOMING'S READING ASSESSMENT AND INTERVENTION PROGRAM

Wyoming Statute 21-3-401 governs the reading assessment and intervention program administered in kindergarten through third grade. The Wyoming Legislature enacted this statute in 2001, which required school districts to design and implement a reading screening program to measure student reading progress in first and second grades.¹ The Legislature substantially amended the statute in 2011, 2012, 2019, and 2022.²

Screening and Intervention

Each school district is required to implement and administer a multi-tiered evidence-based reading assessment and intervention program to all students in kindergarten through third grade to remedy reading difficulties as soon as possible.³ The program must contain evidence-based core curricula to align with the state's content and performance standards and the program must use evidence-based interventions.⁴ Each school district is required to use a screening instrument to assess all students in kindergarten through third grade not less than three (3) times per year for reading difficulties, including dyslexia, and other reading deficiencies.⁵ School districts must utilize screening instruments approved for use by the state

¹ 2001 Wyo. Sess. Laws ch. 189, § 1.

² 2011 Wyo. Sess. Laws, ch. 185, § 1; 2012 Wyo. Sess. Laws ch. 66, § 1; 2019 Wyo. Sess. Laws ch. 155, § 1; 2022 Wyo. Sess. Laws ch. 56, § 1. The Legislature also slightly amended the statute in 2013 and 2015. 2013 Wyo. Sess. Laws ch. 1, § 2.; 2015 Wyo. Sess. Laws ch. 30, § 1.

³ W.S. 21-3-401(a).

⁴ *Id.*

⁵ *Id.*

superintendent of public instruction.⁶ School districts must provide a copy of the screening results to the parent or guardian of any student showing signs of reading difficulties or failing to demonstrate appropriate reading competence.⁷ A student who failed to demonstrate appropriate reading competence must be placed on an individualized reading plan to address the student's reading difficulty through an appropriate evidence-based intervention program.⁸ A copy of the student's individualized reading plan must be provided to the student's parent or guardian.⁹ If the student is under an individualized education program that addresses the student's reading difficulties, then an individualized reading plan is not required.¹⁰

Reading Goal and Improvement Plans

The statute sets a goal that every school strive for eighty-five percent (85%) of all students reading at grade level upon completion of the third grade.¹¹ The third grade reading proficiency is determined by the third grade statewide assessment.¹² Each school failing to satisfy the eighty-five percent (85%) goal must submit an improvement plan to the school district.¹³ The school district must submit an overall improvement plan to the Wyoming Department of Education (WDE).¹⁴ Both the school and the school district's improvements plans must outline the following: the general strategy for increasing reading proficiency for the next school year, the evidence-based program used, the specific training received by the reading teachers, the student-teacher ratio, and the use of certified tutors, instructional facilitators, and paraprofessionals trained in the delivery of the evidence-based program.¹⁵

Reporting Requirements

Each school district is required to annually report to the WDE the progress of each school within the district achieving the eighty-five percent (85%) goal.¹⁶ The report must include the following:

- A cohort analysis of the kindergarten through third grade students that the screening instrument identified as showing signs of reading difficulties;
- The percentage of students meeting or exceeding reading proficiency;
- The list of evidence-based interventions implemented by each district by grade level;
- The aggregate number of students with reading difficulties identified by the screening instrument; and
- The progress towards achieving the eighty-five percent (85%) goal in the five specific skills known to be predictive of third grade reading proficiency.¹⁷

The five specific skills predictive of third grade reading proficiency include: (1) phonological awareness; (2) phonics; (3) decoding words and non-words; (4) oral reading fluency; and (5) reading comprehension.¹⁸

⁶ W.S. 21-3-401(d).

⁷ W.S. 21-3-401(b).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* A individualized education program is a legal document developed for a child with a disability and who needs special education services.

¹¹ W.S. 21-3-401(c).

¹² *Id.* The statewide assessment is administered pursuant to W.S. 21-2-304(a)(v).

¹³ W.S. 21-3-401(c).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ W.S. 21-3-401(d).

The WDE is required to collect kindergarten through third grade data from each school district's assessments on these five specific skills.¹⁹

Professional Development

Commencing with school year 2022-2023, the statute requires school district employees providing instruction in kindergarten through third grade to have received or receive professional development in literacy instruction and intervention in identifying students with reading difficulties not less than once every three (3) years.²⁰ The state superintendent of public instruction is required to promulgate rules as necessary to identify appropriate and suitable professional development materials for school district employees.²¹ The Wyoming Legislature appropriated three hundred thousand dollars (\$300,0000) to WDE to provide payments to schools districts for expenditures related to professional development for school year 2022-2023, only for professional development expenditures in excess of the amount provided to each school district within the education resource block grant model.²²

OTHER STATES' K-3 LITERACY PROGRAMS

As requested by the Committee, the following is an overview of the kindergarten through third grade literacy programs implemented in Alaska and Mississippi.

Alaska Reads Act

In 2022, the Alaska Legislature enacted the Alaska Reads Act, which created two new literacy programs for kindergarten through third grade students: (1) District Reading Intervention Program; and (2) Department Reading Program.²³ These programs are effective July 1, 2023 until June 30, 2034.²⁴

District Reading Intervention Program

The District Reading Intervention Program aims to help kindergarten through third grade students who exhibit reading deficiencies achieve reading proficiency at or above grade level by the end of the third grade.²⁵ The Alaska Department of Education and Early Development is required to adopt a statewide screening tool to identify students with reading deficiencies including dyslexia.²⁶ The statewide screening tool is administered to all students in kindergarten through third grade three (3) times each school year in the fall, winter, and spring.²⁷ However, students who demonstrate reading proficiency on the first screening of the school year are not required to be screened the rest of the school year.²⁸ If the statewide screening tool identifies a student with a reading deficiency, then the school district must notify the student's parent or guardian not later than fifteen (15) days after identification of the reading deficiency.²⁹ The notification must explain the reading deficiency, outline current services provided to the student and proposed evidence-based reading intervention services, identify strategies for the parent or guardian to implement at home, and explain the process required for the student to progress to the next grade level.³⁰

¹⁹ *Id.*

²⁰ W.S. 21-3-401(e).

²¹ *Id.*

²² 2022 Wyo. Sess. Laws ch. 56, § 3.

²³ 2022 Alaska Sess. Laws ch. 40, §§ 1, 36.

²⁴ *Id.* at §§ 47, 56–57.

²⁵ Alaska Stat. § 14.30.765(a).

²⁶ Alaska Stat. § 14.30.760(a)(1).

²⁷ Alaska Stat. § 14.30.760(a)(2)(A).

²⁸ *Id.*

²⁹ Alaska Stat. § 14.30.765(c).

³⁰ *Id.*

Each school district must provide intensive reading intervention services to all students identified with a reading deficiency.³¹ The statute outlines several requirements for the intensive reading intervention services.³² A few of these requirements include that services must be provided by a school district reading teacher,³³ use evidence-based reading intervention methods shown to accelerate student reading achievement, monitor reading progress of each student's reading skills and adjust instruction accordingly, and incorporate daily targeted small group reading instruction based on the student's needs.³⁴ In addition to the intensive reading intervention services, each school district must provide an individual reading improvement plan for all kindergarten through third grade students identified with a reading deficiency.³⁵ The individual reading improvement plan has several requirements including, but not limited to, describing the evidence-based reading intervention services the student will receive, providing reading intervention services outside of regular school hours for students who score at the lowest achievement level on the statewide screening tool, and supporting the student reading at home.³⁶

After the statewide screening tool is administered in the spring each school year, teachers and other pertinent school district staff are required to meet with the parent or guardian of students identified with reading deficiencies in kindergarten through third grade to explain that the student will not be prepared to progress to the next grade level.³⁷ This meeting must be held, at minimum, forty-five (45) days before the end of the school year.³⁸ After the meeting, the parent or guardian of the student must determine whether the student will progress to the next grade.³⁹ If the parent or guardian decides the student will progress to the fourth grade, then the parent or guardian must sign a waiver acknowledging the student is not prepared to enter fourth grade and agreeing the student will complete an additional twenty (20) hours of reading intervention services during the summer before entering fourth grade.⁴⁰ Any kindergarten through second grade student who did not progress to the next grade or any third grade student who entered fourth grade via a waiver must receive intensive reading intervention services and any additional services to improve the student's identified reading deficiency.⁴¹ The school district is required to review these students' individual reading improvement plans and develop plans for reading at home.⁴²

Department Reading Program

The Alaska Department of Education and Early Development Reading Program supports the lowest-performing twenty-five percent (25%) of schools, as determined by the department's performance designation, with providing intensive reading intervention services to kindergarten through third grade

³¹ Alaska Stat. § 14.30.765(a).

³² *Id.*

³³ A reading teacher is defined as a teacher who holds a teaching certificate, meets the requirements established by the state Board of Education and Early Development, and "has demonstrated effectiveness in instructing students to read at or above grade level as measured by student reading performance data and in teacher performance evaluations." Alaska Stat. § 14.30.765(n).

³⁴ Alaska Stat. § 14.30.765(a).

³⁵ Alaska Stat. § 14.30.765(b).

³⁶ *Id.*

³⁷ Alaska Stat. § 14.30.765(d), (f).

³⁸ *Id.*

³⁹ Alaska Stat. § 14.30.765(d), (f). If the parent or guardian of a student in kindergarten through third grade fails to attend the meeting or determine whether the student will progress to the next grade, then the school district superintendent may determine whether the student will progress to the next grade after considering the student's best interest and whether the student was previously held back a grade. Alaska Stat. § 14.30.765(d), (f). If the school district superintendent determines the student will not progress to the next grade, then the school district or school must provide immediate oral and written notification to the student's parent or guardian. Alaska Stat. § 14.30.765(h).

⁴⁰ *Id.*

⁴¹ Alaska Stat. § 14.30.765(i).

⁴² *Id.*

students.⁴³ To select the participating schools, the department must establish an application process and use the existing system established to identify the lowest-performing twenty-five percent (25%).⁴⁴ The department is required to assign reading specialists⁴⁵ to the participating schools to implement intensive reading intervention services.⁴⁶ The reading specialists work with students as a class, in small groups or individually, to model effective instructional strategies for teachers.⁴⁷ They also mentor teachers in reading instruction, lead reading leadership teams, and report on school and student performance to the department.⁴⁸ The department must collaborate with the reading specialists to create specific reading improvement goals for each participating school.⁴⁹ The department must also select and purchase additional reading material for each participating school to supplement the intensive reading intervention services provided.⁵⁰ Each participating school is required to coordinate with the reading specialist to dedicate time to reading program activities and ensure that the reading specialist is not required to perform other functions.⁵¹ Each participating school in the program must hold a public meeting annually and present data the department used to identify the school's program eligibility, a detailed overview of the reading program and the intensive reading intervention services provided, and a timeline for implementing these services and meeting the established reading improvement goals.⁵² Every parent or guardian of each student attending a participating school must be provided a meeting notice at least seven (7) days before the meeting.⁵³

Mississippi Literacy Based Promotion Act

In 2013, the Mississippi Legislature enacted the Mississippi Literacy Based Promotion Act to improve reading skills of kindergarten through third grade students to ensure every student reads at or above grade level upon completion of the third grade.⁵⁴

Screening and Intervention

A kindergarten through third grade student may be identified with a reading deficiency by a universal reading screener approved or developed by the department of education, a local assessment, a statewide end of the year assessment, or an approved alternative annual assessment.⁵⁵ If a universal reading screener or a local assessment is used to determine a student's reading progress and identify reading deficiencies, then it may be administered "in the first thirty (30) days of the school year and repeated if indicated at midyear and at the end of the school year."⁵⁶ The student's teacher must notify the parent or legal guardian of a student identified with a reading deficiency, in writing, immediately and every quarter in a progress report until the deficiency is remediated.⁵⁷ The notification must identify the reading deficiency, describe the services the school district is currently providing and the proposed instructional services the district

⁴³ Alaska Stat. §§ 14.30.770(a), 14.03.123.

⁴⁴ Alaska Stat. § 14.30.770(a).

⁴⁵ A reading specialist must hold a teaching certificate, completed an approved graduate program, has knowledge about and demonstrates competency in reading instruction, and satisfies other reading instruction coursework requirements established by the department of education's rules. Alaska Stat. § 14.30.770(d).

⁴⁶ Alaska Stat. § 14.30.770(a)(4).

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Alaska Stat. § 14.30.770(a)(6).

⁵⁰ Alaska Stat. § 14.30.770(a)(7).

⁵¹ Alaska Stat. § 14.30.770(b).

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Miss. Code Ann. § 37-177-1(1); 2013 Miss. Laws ch. 495, § 1.

⁵⁵ Miss. Code Ann. § 37-177-1(2).

⁵⁶ Miss. Code Ann. § 37-177-1(3).

⁵⁷ Miss. Code Ann. § 37-177-3.

plans to provide, and describe strategies for the parent or guardian to use in helping the student achieve reading proficiency.⁵⁸ If the student is in third grade, the notification must also indicate that if the student's reading deficiency is not remediated before the end of the school year, then the student will not progress to the fourth grade unless a good cause exemption applies.⁵⁹

Intervention

Each kindergarten through third grade student identified with a reading deficiency must be provided intensive reading instruction and intervention.⁶⁰ The intensive reading instruction and intervention is documented in each student's individual reading plan.⁶¹ The individual reading plan includes the following: a student's specific reading deficiency, goals for growth, how reading progress will be monitored and evaluated, the type of additional instructional services and interventions the student will receive, identification of the research-based reading instructional programming the teacher will implement to provide reading instruction, the strategies the student's parent or guardian is encouraged to use to assist in reading competency, and any additional services the student's teacher deems available and appropriate.⁶²

Continuing to the Next Grade and Good Cause Exemptions

If a third grade student fails to score above the lowest two (2) achievement levels in reading on the state assessment or another approved alternative assessment by the end of third grade, then the student will not progress to the fourth grade unless a good cause exception applies.⁶³ The good cause exemptions include the following:

- (a) Limited English proficient students who have had less than two (2) years of instruction in an English Language Learner program;
- (b) Students with disabilities whose individual education plan (IEP) indicates that participation in the statewide accountability assessment program is not appropriate, as authorized under state law;
- (c) Students with a disability who participate in the state annual accountability assessment and who have an IEP or a Section 504 plan that reflects that the individual student has received intensive remediation in reading for more than two (2) years but still demonstrates a deficiency in reading or previously was retained in Kindergarten or First, Second or Third Grade;
- (d) Students who demonstrate an acceptable level of reading proficiency on an alternative standardized assessment approved by the State Board of Education; and
- (e) Students who have received intensive intervention in reading for two (2) or more years but still demonstrate a deficiency in reading and who previously were retained in Kindergarten or First, Second or Third Grade for a total of two (2) years and have not met exceptional education criteria.⁶⁴

⁵⁸ Miss. Code Ann. § 37-177-3(a)–(c), (e).

⁵⁹ Miss. Code Ann. § 37-177-3(d).

⁶⁰ Miss. Code Ann. § 37-177-1(2).

⁶¹ *Id.*

⁶² *Id.*

⁶³ Miss. Code Ann. § 37-177-9.

⁶⁴ Miss. Code Ann. § 37-177-11(1).

A third grade student must request a good cause exemption to the school principal by submitting documentation from the student's teacher indicating the student falls under one of the good cause exemptions and the student should progress to the fourth grade based on the student's record.⁶⁵ The school principal reviews the teacher's recommendation with the teacher and the student's parent or guardian to determine whether or not the student should progress to the fourth grade.⁶⁶ If the school principal determines that the student should progress to the fourth grade, then the school principal submits a recommendation in writing to the school district superintendent who may accept or reject the principal's recommendation.⁶⁷ Even if the school principal and the school district superintendent determine the student should advance to the fourth grade, a student's parent or guardian may choose to hold the student in third grade for one (1) more year.⁶⁸

A student who does progress to the fourth grade under an exemption must be provided with an individual reading plan that "outlines intensive reading instruction and intervention informed by specialized diagnostic information and delivered through specific reading strategies to meet the needs of [the] student."⁶⁹ These reading strategies include scientific research-based reading instruction and other strategies including small group instruction, reduced teacher–student ratios, tutoring in addition to the regular school day, extended school days, and summer reading camps.⁷⁰ The student must receive a minimum of ninety (90) minutes of reading instruction during regular school hours daily.⁷¹ The school district must provide these students with a high-performing teacher⁷² and outline in a contract an at home reading plan for parent-guided reading.⁷³ The school district may provide an intensive accelerated class for any student who did not progress to fourth grade, focusing on increasing a student's reading level at least two (2) grade levels in one (1) school year.⁷⁴ The accelerated class provides reading instruction and intervention for a majority of the student's school day while incorporating opportunities to master the fourth grade state standards in the other core academic areas.⁷⁵

Department Reading Intervention Program

The Mississippi department of education has a reading intervention program for low-performing schools to improve reading.⁷⁶ The program uses data coaches who help teachers use data to inform instruction.⁷⁷ However, the program is subject to legislative appropriation.⁷⁸ As a result, if the program receives the necessary legislative appropriation, then the department of education must select schools to participate in the program "based on number and percentages of students scoring in the lowest two (2) achievement levels" on the statewide assessment, universal screening results, and other relevant data.⁷⁹ The school

⁶⁵ Miss. Code Ann. § 37-177-11(2)(a).

⁶⁶ Miss. Code Ann. § 37-177-11(2)(b).

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ Miss. Code Ann. § 37-177-11(1)(e).

⁷⁰ Miss. Code Ann. § 37-177-13(a).

⁷¹ *Id.*

⁷² The school district determines whether a teacher is high-performing by evaluating "student performance data, particularly related to student growth in reading, above-satisfactory performance appraisals, and specific training relevant to implementation" of the Literacy Based Promotion Act. Miss. Code Ann. § 37-177-13(c).

⁷³ Miss. Code Ann. § 37-177-13(c), (d).

⁷⁴ Miss. Code Ann. § 37-177-15.

⁷⁵ *Id.*

⁷⁶ Miss. Code Ann. § 37-177-7(a), (c).

⁷⁷ Miss. Code Ann. § 37-177-7(c).

⁷⁸ *Id.*

⁷⁹ Miss. Code Ann. § 37-177-7(a).

district must assign a person responsible for implementing the reading intervention program in each participating school.⁸⁰

Please let me know if you have any questions or need further information.

⁸⁰ Miss. Code Ann. § 37-177-7(b). The Mississippi department of education is also required to establish a reading panel. Miss Code. Ann. § 37-177-5. The panel must collaborate with the department of education to recommend "appropriate equitable alternative standardized assessments and cut scores to be used to determine promotion to the Fourth Grade of those Third Grade students who did not score at the required achievement level" on the statewide assessment. *Id.* The statute outlines the required composition of the reading panel and describes the panel's additional duties. *Id.*